



CONSTRUCTION INDUSTRY AIR QUALITY COALITION

January 23, 2023

TO: Tony Brasil – abrasil@arb.ca.gov
FROM: Construction Industry Air Quality Coalition – mike@lewisandco.net

Coalition Members



Associated General Contractors
America-San Diego Chapter, Inc.



Building Industry Association
of Southern California



Western States Trucking
Association



Engineering
Contractors Association



United Contractors



Southern California
Contractors Association

RE: Advanced Clean Fleets Regulatory Proposals

On behalf of the construction industry, we wanted to express our concerns about the proposed Advanced Clean Fleets rule and the items recently discussed at the CARB Board meeting. We have also attached our comment letter submitted to the Board prior to that meeting outlining our original and continuing concerns about the impact of the rule on our industry's unique operating conditions.

We support the Boards direction to move cautiously and to be sure that the vehicles, infrastructure, and charging stations will be available in sufficient quantities to support an effective roll-out of this regulation. Our industry has certainly witnessed CARB's ambitious plans dissolve after we have spent hundreds of millions of dollars attempting to comply with measures that were far too aggressive. We don't want to see that happen again and much of the measures needed to implement this rule are well beyond CARB's ability to provide or influence.

Further we do not support the idea to lower the fleet threshold from 50 to 10 vehicles. There are already so many uncertainties about this proposal that drawing in more fleets at this point will likely doom the implementation of the plan altogether. Likewise, we do not support the suggestion to move up the implementation date for the same reasons. Most of what the fleet owners are being asked to do cannot yet be done with the current and likely available vehicles and infrastructure. Lowering the threshold will disproportionately impact small businesses and their fleets.

The rule needs a clearly defined set of criteria to determine a vehicle's suitability for an application. What vehicle may be "Commercially Available" for one company, will inevitably be unsuitable for another company with more specialized needs. At a minimum, the criteria must include: payload requirements for current tooling and equipment that will not require a step up in vehicle Class rating, safety considerations including ground clearance and toolbox accessibility, variations in mileage and PTO use that will exceed the

2149 East Garvey Ave. North, Suite A-11, West Covina, CA 91791

Tel: 626 858 4611 Fax: 626 858 4610 e-mail: ciaqc@uia.net www.ciaqc.com

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capabilities of the “commercially available” electric vehicle battery capacity, accommodation for specialized equipment including PTO and outriggers, duty cycle, cost effectiveness, a suitable battery disposal network, sufficient generating and distribution capacity and an assessment of reliability. Vehicle owners must not be forced to settle for something less efficient or less capable than the IC engine vehicle they must replace. Current experience indicates that fleets need to retain their older non-electric vehicles to use when their newer vehicles are in the shop due to manufacturer issues. This defeats the purpose of the ACF rule completely. There also needs to be better alignment of the sales requirements between the Advanced Clean Truck and the Advanced Clean Fleets rule.

We still need to understand how CARB expects heavy duty construction rental vehicles like water trucks, dump trucks and crane and bucket trucks to be used feasibly on construction sites and in remote areas where charging stations are unavailable. The only power that could typically be generated would be from a portable diesel generator. We have asked for these specialized rental vehicles to be exempt given there is no practical way these vehicles could be charged while on the construction or remote location site.

We wholeheartedly support the idea of a thorough review of the availability of vehicles and infrastructure in the 2026/27 timeframe to make appropriate adjustments to the rule before mandating further costly investments by fleet owners. For that reason, we support keeping the current 2030 deadlines rather than the arbitrary 2027 date proposed by some members of the legislature. The final deadline for 100% ZEV needs to remain at 2043 or later.

There also needs to be a clear exemption process and a clear method to delay certain deadlines when sufficient, vehicles, power and infrastructure are not in place to support the rule requirements. For the construction industry specifically, we would like consideration of the fact that many of the places where we work and where equipment would be homed are remote and electricity is not available. In addition, we prefer to have as few fuel requirements as possible. Having to fuel a fleet of electric, natural gas and diesel vehicles becomes logistically difficult for many construction sites. For example, many electric vehicles do not have the same capabilities as their ICE counterparts. Electric forklifts can only operate on an incline of 10% or less, where an ICE forklift can manage an incline of 30 – 40%.

There is not enough infrastructure to charge heavy-duty vehicles and equipment on a remote construction site where most equipment is homed during the construction phase. There are not portable DC charging options, nor are there the roof covered spaces required for some electric equipment.

The construction industry needs the option of utilizing one fuel type for all of its equipment. CARB has already required the use of renewable diesel for the Off-Road equipment. Suppliers have indicated that there will be ample supplies of renewable diesel and natural gas available from their sources and there are currently over 500 locations to purchase the fuel. CARB has required the construction industry to make billions of dollars in investment in the clean diesel option. We need the

same option for the balance of our fleets of portable, on-road and other equipment. There is great uncertainty as to when electric options will be available and when they will be reliable in construction's unique applications. We see renewable diesel and natural gas as the most effective way to achieve early reductions across the entire fleet of construction equipment. We would request that the construction industry be given the option of utilizing renewable options for their fleets rather than attempting to blend multiple propulsion types when there is so much uncertainty in the applicability of electric in the construction application.

We would like the opportunity to discuss these issues with your team to explore some mutually agreeable solutions at your earliest convenience.

Sincerely,

A handwritten signature in black ink, reading "Michael W. Lewis". The signature is written in a cursive, flowing style with a large initial "M".

Michael Lewis, Senior Vice President
Construction Industry Air Quality Coalition